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VIA ECF

The Honorable Jesse M. Furman
United States District Court, Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *Abby Grossberg v. Fox Corporation, et. al.*
Civil Action No. 23-cv-02368 (JMF)

Dear Judge Furman:

We represent Plaintiff in the above-referenced matter and write pursuant to Your Honor's Individual Rule 2A to request your intervention concerning the representation of Defendant Tucker Carlson. As you may be aware, Mr. Carlson is currently represented by Paul Evans, Esq. and Krissy Katzenstein, Esq. of Baker McKenzie LLP, who also represent Fox Corporation and Fox News Network in this ongoing litigation.

It is our belief that Mr. Carlson may need to obtain independent legal counsel, given the conflictual nature of his relationship with his now former employer Fox News Network, particularly in light of his recent allegations of fraud and breach of contract against the Network and the related litigation.¹ As reported in the media and confirmed by anonymous Fox representatives,² Fox News

¹ See Mike Alle, *Scoop: Tucker Carlson accuses Fox of fraud, contract breach*, AXIOS (May 9, 2023) <https://www.msn.com/en-us/entertainment/news/scoop-tucker-carlson-accuses-fox-of-fraud-contract-breach/ar-AA1aXMIP>.

² See Jeremy Barr and Sarah Ellison, *Tucker Carlson is out at Fox News after Dominion lawsuit disclosures*, WASH. POST (April 24, 2023), <https://www.washingtonpost.com/media/2023/04/24/tucker-carlson-leaves-fox-news/> ("Carlson's staff culture had come under scrutiny, after a former booker for his show sued Fox News for discrimination, claiming that she endured sexist treatment while working for him [...] Carlson's comments about Fox colleagues, as partly revealed in the Dominion case, also played a role in his departure, a person familiar with the company's thinking told The Washington Post."); *see also* Jeremy Peters, *Tucker Carlson, a Source of Repeated Controversies, Is Out at Fox News*, N.Y. TIMES (April 24, 2023) <https://www.nytimes.com/2023/04/24/business/media/tucker-carlson-fox-news-dismissal.html/>; Stephen Battaglio,

abruptly terminated Mr. Carlson “for cause” on April 24, 2023. In his first public comment after his dismissal, Mr. Carlson, through his lawyer Bryan Freedman, expressed discontent about Fox News effectively silencing him by keeping him under contract until early 2025.³ Mr. Freedman stated: “The idea that anyone is going to silence Tucker and prevent him from speaking to his audience is beyond preposterous.”⁴ Indeed, today, May 9, 2023, Mr. Carlson announced to his almost 7 million followers on Twitter that he would continue to broadcast “a new version of the show we've been doing for the last six and a half years” on the platform, notwithstanding the non-compete clause which Fox News seeks to enforce.⁵

We have twice requested clarification from Baker McKenzie LLP regarding the question of Mr. Carlson’s continued representation, first on April 24, 2023, and again on May 5, 2023. To date, we have not received any response. As a result, the failure of Fox Corporation and Fox News Network’s counsel to address this potentially serious conflict of interest under N.Y. Rules of Prof. Conduct 1.7, and N.Y. Code of Prof. Respon. DR 5-105 (B) threatens the expeditious litigation of this matter under Fed. R. Civ. P. 1. Surely, addressing this issue *prima facie* before Your Honor at the preliminary conference scheduled for June 15, 2023, will serve no one’s best interests, including Mr. Carlson’s. Indeed, the failure to obtain appropriate representation could potentially result in an undue delay in the litigation.

Therefore, we respectfully request that this Court issue an order addressing the aforementioned pressing and impactful issues regarding Mr. Carlson’s appropriate representation in this matter and the expeditious litigation of this important case.

Tucker Carlson departs Fox News, pushed out by Rupert Murdoch, L.A. TIMES (April 24, 2023) <https://www.latimes.com/entertainment-arts/business/story/2023-04-24/tucker-carlson-is-out-at-fox-news> (“According to one person familiar with the discussions, Murdoch’s son Lachlan, executive chairman of Fox Corp., and Suzanne Scott, chief executive of Fox News Media, decided late Friday that Carlson had to go. [...] Carlson’s exit is related to the discrimination lawsuit filed by Abby Grossberg, a producer fired by the network last month, the sources said. Carlson’s senior executive producer, Justin Wells, has also been terminated, according to insiders.”); Joe Flint, *Fox News Ousts Tucker Carlson*, WALL STREET JOURNAL (April 24, 2023) <https://www.wsj.com/articles/tucker-carlson-is-leaving-fox-news-db31f2fa>; Allison Durkee, *Here’s What Tucker Carlson Said In Lawsuits That Reportedly Led To His Firing*, FORBES (April 25, 2023) <https://www.forbes.com/sites/alisondurkee/2023/04/25/heres-what-tucker-carlson-said-in-lawsuits-that-reportedly-led-to-his-firing/?sh=14b852f873a0>.

³ See Nicholas Reimann, *Tucker Carlson’s Lawyer Urges Fox News To Permit Carlson To Get New Job In First Public Comment*, FORBES MAGAZINE (May 7, 2023) <https://www.forbes.com/sites/nicholasreimann/2023/05/07/tucker-carlsons-lawyer-urges-fox-news-to-permit-carlson-to-get-new-job-in-first-public-comment/?sh=3fac8d9958b>.

⁴ Mike Allen, *Scoop: Tucker Carlson ready to torch Fox News*, AXIOS (May 7, 2023) https://wwwaxios.com/2023/05/07/fox-news-tucker-carlson?utm_medium=social&utm_source=twitter&utm_campaign=editorial.

⁵ Matt Novak, *Former Fox News Host Tucker Carlson To Relaunch Show on Twitter*, FORBES MAGAZINE (May 9, 2023) <https://www.forbes.com/sites/mattnovak/2023/05/09/former-fox-news-host-tucker-carlson-to-relaunch-show-on-twitter/?sh=5de24a733819>.

Respectfully submitted,



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cc: All Counsel of Record (via ECF)

Bryan Freedman, Esq. (via email and regular mail)